HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.285 of 2005

Dated:23.11.2006

Between:

Bantroth Rama Krishna and others.

…Petitioner

and

The District Collector and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.285 of 2005

ORDER:

The petitioners who are 12 in number filed instant Writ Petition assailing the proceedings of the Revenue Divisional Officer, Rajampet, the second respondent herein; in Ref.B1/514/03, dated 23.07.2004, whereby and whereunder the Revenue Divisional Officer cancelled the house site pattas granted to the petitioners on 05.06.2001 and directing the Mandal Revenue Officer, the third respondent herein; to grant pattas to respondents 4 to 13.

The petitioners herein or their predecessors were granted D-Form pattas over an extent of Ac.0.03 cents each situated at Shankarajupalli Village of Sidhout Mandal in Kadapa District. They statedly raised foundations on the assigned house sites. One Bheemisetti Gangisetty Janakiramaiah along with respondents 4 to 13 gave a complaint to the first respondent on 11.12.2001. They alleged that they were already granted house site pattas in respect of the same lands. The first respondent called for a report from the third respondent. The Mandal Revenue Officer appears to have submitted a report on 20.01.2002 certifying the genuineness of the pattas granted to the petitioners and further informing that the pattas granted to respondents 4 to 13 are bogus. Respondents 4 to 13 then filed

W.P.No.2462 of 2003. By an order dated 19.06.2003, this Court remitted the matter to the Revenue Divisional Officer to issue notice to the petitioners therein and conduct fresh enquiry. In pursuance of such direction, the Revenue Divisional Officer conducted enquiry, obtained a report from the Mandal Revenue Officer and passed orders on 23.07.2004, cancelled the assignment made in favour of the petitioners and further directed the Mandal Revenue Officer to issue pattas to respondents 4 to 13. In this Writ Petition filed assailing the order of the Revenue Divisional Officer, the main submission is that the Revenue Divisional Officer did not issue any notice to the petitioners and that the grant of pattas to respondents 4 to 13 is illegal.

This Court while admitting the Writ Petition on 19.01.2005 passed orders of interim suspension. Respondents 1 to 3 filed W.V.M.P.No.981 of 2005 and respondents 4 to 13 filed W.V.M.P.No.657 of 2005.

In the counter affidavit filed by the contesting respondents the allegation that the Revenue Divisional Officer did not issue any notice to the petitioners is not specifically denied. Indeed, a perusal of the impugned order would show that no such notice was issued, and the Revenue Divisional Officer proceeded as if this Court waived such notice. A perusal of the order of this Court in W.P.No.2462 of 2003 would show that this Court never intended to dispense with service of notice on the petitioners whose pattas are in question. As the pattas granted to the petitioners on 05.06.2001 were cancelled without notice to them, the impugned order is unsustainable. For this reason, the Writ Petition is disposed of. The impugned order bearing No.Ref.B1/514/03, dated 23.07.2004, passed by the Revenue Divisional Officer is set aside and the matter is remanded to him with a direction to issue notice to the petitioners, respondents 4 to 13, obtain their explanations, conduct enquiry afresh, and pass appropriate orders within a period of three months from the date of receipt of a copy of this order. If either of the parties is adversely affected by any order that may be passed by the Revenue Divisional Officer, they may prefer a revision before the Joint Collector, Kadapa.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

23.11.2006
Note: Issue C.C in one week.
B/o.
vs